

### **REMARKS/ARGUMENTS**

Claims 1-10, 20-25 and 27-44 are pending. Solely in an effort to advance prosecution, claims 1-10, 20-25, 29-37 and 40-44 are amended merely for clarity purposes and to encompass potentially infringing subject matter. Withdrawn claims 11-19 and 26 are canceled without prejudice or disclaimer of the subject matter they contain.

By the above amendments, no new matter has been added. Applicants do not acquiesce to the propriety of any of the Examiner's rejections and do not disclaim any subject matter to which Applicants are entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997). Further, Applicants reserve the right to file additional continuing applications to cover disclosed subject matter not encompassed by the currently pending claims.

Entry of the above amendments is believed to be proper under 37 C.F.R. § 1.116 because the amendments: (a) place the application in condition for allowance; (b) do not raise any new issues requiring further search and/or consideration; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and/or (d) place the application in better form for appeal, should an appeal be necessary. Thus, entry is respectfully requested.

Applicants and the undersigned representatives expressly thank Examiner Epps-Smith for the courtesies extended during the personal interview conducted on September 10, 2009. A separate record of the substance of the interview is expressed in the above claim amendments and/or the comments set forth below.

### **REJECTION UNDER 35 U.S.C. §§ 102 & 103**

Applicants hereby reiterate that, for the reasons of record, the features of the rejected claims (which have been further clarified to recite, *inter alia*, "acellular," in accordance with the Patent Office's suggestion) are neither disclosed, taught nor suggested by Schatz alone or in any combination with the applied secondary references. Thus, reconsideration and withdrawal of the rejections under §§ 102 and 103 are respectfully requested.

**CONCLUSION**

If anything further could be done to place the above-captioned patent application in better condition for allowance (i.e., via Examiner's Amendment), then please contact the undersigned attorney at the telephone number listed below. Applicants hereby request any extension of time deemed necessary for entry of this submission and any submission filed hereafter in this application or any continuing application(s). Applicants make a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge any petition fee or any deficiency in fees filed, or asserted to be filed, or which should have been filed herewith (or with any paper filed hereafter) to Deposit Account No. **14-1140 (please use reference number: WFG-117-533)** or credit any overpayment of fees to such Deposit Account.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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By:           /Willem F. Gadiano/            
Willem F. Gadiano  
Reg. No. 37,136

WFG:ewm  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100